

Absent: Longoria.

Accordingly, the Senate at 12:10 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(March 21, 1977)

S.C.R. 38

S.B. 38

S.B. 93

S.B. 217

THIRTY-NINTH DAY

(Tuesday, March 22, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Parker.

A quorum was announced present.

The Reverend Bruno Schmidt, Assistant Pastor, First United Methodist Church, Austin, Texas, offered the invocation as follows:

Most gracious God, we would acknowledge that no undertaking of ours as human beings can prosper unless it has Your help and guidance. May what is done here today be done in the spirit of relying upon You, the source of all wisdom.

Grant, we pray, Your special blessing upon the Lieutenant Governor, the members of the Senate and those who assist them. Give them the ability to consider the issues before them in the spirit of true objectivity. Guide them as they try to serve the best interest of the citizens of our State. May all be done in the spirit of wisdom, peace, and harmony.

Bless our State and all its inhabitants. May they find well-being and the realization of the common good of all. In Thy Name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Clower.

CO-AUTHOR OF SENATE BILL 801

On motion of Senator Traeger and by unanimous consent, Senator Lombardino will be shown as Co-author of S.B. 801.

REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 626 (Amended)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 1159 (Amended)

S.B. 868

S.B. 774

S.B. 901 (Amended)

C.S.S.B. 645 (Read first time)

C.S.S.B. 1160 (Read first time)

C.S.S.B. 1161 (Read first time)

C.S.S.B. 510 (Read first time)

C.S.S.B. 443 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 1048

S.B. 541

C.S.S.B. 773 (Read first time)

S.B. 823

S.B. 821

H.B. 754

Senator Braecklein, Vice-Chairman, submitted the following report for the Committee on Human Resources:

S.B. 539

S.B. 836

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 575

C.S.S.B. 689 (Read first time)

C.S.S.B. 688 (Read first time)

C.S.S.B. 602 (Read first time)

C.S.S.B. 583 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1184 by Meier Intergovernmental Relations
Relating to the appointment of court reporters in the Courts of Domestic Relations, Tarrant County; amending Section 11, Chapter 761, Acts of the 61st Legislature, Regular Session 1969 (Article 2338-15c, Vernon's Texas Civil Statutes).

S.B. 1185 by Meier Intergovernmental Relations
Relating to the appointment of County Auditors in certain counties; term of office; compensation; amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 1186 by Schwartz, Brooks Human Resources
Relating to the expansion of the Governor's Coordinating Office for the Visually Handicapped to provide services for severely handicapped individuals with other than visual disabilities; amending Article 4413(202), Revised Civil Statutes of Texas, 1925.

S.B. 1187 by Schwartz, Brooks Education
Relating to comprehensive special education for multiply handicapped and other severely handicapped children; amending Sections 16.104 and 31.33 of the Texas Education Code, as amended.

S.B. 1188 by Traeger Intergovernmental Relations
Relating to the creation, establishment, administration, maintenance, operation, and financing of Wilson County Memorial Hospital District of Wilson County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 1189 by Mengden Human Resources
Relating to an employment program for certain welfare recipients; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Section 19-B.

S.B. 1190 by Mauzy Economic Development
Relating to reporting certain information about a transfer of real property as a condition of recordation of the instrument of transfer; providing a penalty.

S.B. 1191 by Mauzy Intergovernmental Relations
Relating to the appointment of members of the board of managers of the Dallas County Hospital District.

S.B. 1192 by Sherman Intergovernmental Relations
Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Randall County, and making other provisions relative to the courts in Randall County.

S.B. 1193 by Hance Natural Resources
Relating to the interest rate charged on certain purchases, sales, and transfers by the Texas Water Development Board; amending Sections 11.356, 11.357, 11.358, 11.409, 11.604, Water Code, as amended; adding Subdivisions (11), (12), (13), and (14) to Section 11.001, Water Code, as amended; adding Section 11.3571 to the Water Code, as amended.

S.B. 1194 by Hance

Natural Resources

Relating to the creation and use of the Texas Urban and Local Park, Recreation, and Open Space Fund; amending Title 3, Parks and Wildlife Code, by adding Chapter 24; amending Article 20.13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

S.J.R. 57 by Mengden

State Affairs

Proposing an amendment to Article V, Section 18, of the Texas Constitution, relating to the division of counties into precincts for the election of justices of the peace, constables, and county commissioners.

COMMUNICATION FROM THE GOVERNOR

The following Communication from the Governor was read.

March 22, 1977

The Honorable Betty King
Secretary of the Senate
Capitol Station
Austin, Texas

Dear Mrs. King:

In a letter dated March 22, 1977, Mr. Terry Bacon requests the withdrawal of his nomination to the Finance Commission of Texas. Therefore, I respectfully request the return by the Senate of Mr. Bacon's name which was submitted to you for confirmation.

Sincerely,
DOLPH BRISCOE
Governor of Texas

On motion of Senator McKnight and by unanimous consent, the Senate agreed to return the nomination of Mr. Terry Bacon to the Governor.

THE SENATE OF
THE STATE OF TEXAS
AUSTIN

March 22, 1977

The Honorable Dolph Briscoe
Governor of Texas
Austin, Texas

Dear Governor Briscoe:

At a session of the Senate today your request was granted to return the nomination of Mr. Terry Bacon who had been appointed to the Finance Commission of Texas.

Sincerely,
BETTY KING
Secretary of the Senate

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
March 22, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be TEXAS COMMISSIONER OF AGRICULTURE until the next general election and until his successor shall be duly elected and qualified: The Honorable Reagan V. Brown of Bryan, Brazos County is replacing the Honorable John C. White of Austin, Travis County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE RULE 103 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs, Subcommittee on Nominations might consider the nomination of Reagan Brown to be Commissioner of Agriculture.

MESSAGE FROM THE HOUSE

House Chamber
March 22, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 69, Granting permission for either House to adjourn from Thursday, April 7th through Monday, April 11th, 1977, in observance of Easter.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1042 REREFERRED

On motion of Senator Doggett and by unanimous consent, S.B. 1042 was withdrawn from the Committee on Economic Development and rereferred to the Committee on Human Resources.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 95
S.B. 144
S.B. 191
H.C.R. 42
H.C.R. 93
H.C.R. 112

SENATE RESOLUTION 371

Senator McKnight offered the following resolution:

WHEREAS, The genre of American artistic expression popularly classified as country music has drawn a vast portion of its spirit and emotion from the talents and experiences of Texas musicians and composers; and

WHEREAS, No artist still active in this field has been a greater or more enduring influence on country music than has Floyd Tillman, a legendary figure who has dedicated the past 48 years of his life to the soulful creation and performance of country music; and

WHEREAS, Among his peers Floyd Tillman is a revered writer and performer, having been elected to the prestigious Nashville Songwriters Hall of Fame in 1970 and the Country Music Hall of Fame in 1971, where he joined such immortals as Hank Williams and Bob Wills in having received extraordinary recognition from the members of his profession; and

WHEREAS, Artists with the stature of Willie Nelson and Kris Kristofferson have credited Floyd Tillman with inspiring them during their formative professional careers, and hundreds of performers, ranging from Bing Crosby to Merle Haggard and from Tennessee Ernie Ford to the Supremes, have recorded so many of Floyd Tillman's songs that over 47 million copies of his compositions have been sold; and

WHEREAS, The fact that Floyd Tillman's uniquely moving voice and distinctive guitar playing have resulted in his having produced four number one hits as a performer adds dimension to his prodigious writing accomplishments which are evident in the dozen number one songs he has written for other performers, such as, "Slippin' Around," "I Love You So Much It Hurts," "It Makes No Difference Now," "Each Night At Nine," and "I'll Keep On Loving You"; and

WHEREAS, The principal voice of the country music community, Country Music Magazine, credits Floyd Tillman with, "... virtually defining the honky-tonk style of country music," and picked his new album, "The Best of Floyd Tillman," as Album of the Month, giving it a five-star rating, which represents the highest accolade bestowed by that publication; and

WHEREAS, In spite of his acknowledged superstar status, this gentle and considerate man has remained as loved as he is respected, performing three-fourths of his appearances for free and spurning the superfluous trappings of stardom which he knows would alienate him from the people and experiences that give life to his singularly human brand of songwriting; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas commend Floyd Tillman for his vast and remarkable accomplishments in the country music field and express heartfelt gratitude for and pride in the manner in which this Texas son has brought honor and recognition to himself and his state; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Floyd Tillman as an expression of highest esteem from the Senate of the State of Texas.

McKNIGHT
DOGGETT

The resolution was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

PRESENTATION OF GUESTS

Senator McKnight introduced Darrell Royal and presented Floyd Tillman to the Members of the Senate.

Mr. Tillman played and sang several of his songs for the pleasure of the Senate.

COMMITTEE SUBSTITUTE SENATE BILL 451 ON SECOND READING

Senator Santiesteban moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 451, Correcting invalidities, and ambiguities in the Texas Election Code and providing an optional filing method for general purpose political committees, etc.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Braecklein, Doggett, Mauzy, Patman, Truan.

Absent: Creighton.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 451** by striking Section 1 in its entirety and renumbering the following Sections consecutively.

The amendment was read.

On motion of Senator Santiesteban the amendment was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Braecklein, Clower, Doggett, Jones of Harris, Mauzy, Patman, Schwartz, Truan.

Absent-excused: Parker.

Senator Doggett offered the following amendment to the bill:

Amend C.S.S.B. 451 as printed on page 4 at line 25 after "section." by inserting the following:

Each statement filed by a political committee shall also show each contributor's occupation and the name of his employer, if any, or his principal place of business, if self-employed.

The amendment was read.

On motion of Senator Santiesteban the amendment was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger, Williams.

Nays: Braecklein, Clower, Doggett, Jones of Harris, Mauzy, Patman, Schwartz, Truan.

Absent: Sherman.

Absent-excused: Parker.

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 451, Page 4, Line 6 by adding the words "or by threats thereof" after the word "reprisals,"

The amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Doggett, Truan, and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 451 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 451** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Braecklein, Doggett, Patman, Truan.

Absent-excused: Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Doggett, Truan and Patman asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 153 ON SECOND READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 153, Relating to a court's instructions to the jury on the laws of parole and commutation of sentence for good behavior; and amending Subsection (b) of Section 3, Article 37.07, Code of Criminal Procedure, 1965, as amended.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **C.S.S.B. 153** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Hance, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Creighton, Farabee, Harris, Jones of Harris, Mauzy, Santiesteban, Truan.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Creighton, Clower, Mauzy and Jones of Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 152 ON SECOND READING

Senator Meier moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 152, Relating to eligibility for probation, parole, and release to mandatory supervision, to conditional pardons, to prisoner classification, and to good conduct time; amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by amending Sections 1, 2, 12, 13, Subsections (a), (e), and (i) of Section 14A, Sections 15, 20, 21, 22, 24, 26, 27, 28, 30, and 31, and by adding new Sections 3e and 3f; adding Article 6181-1 to Title 108, Revised Civil Statutes of Texas, 1925; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); and repealing Article 48.05, Code of Criminal Procedure, 1965, Section 23, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166v, Vernon's Texas Civil Statutes), and Chapter 361, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 6184l, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Sherman, Snelson, Traeger, Williams.

Nays: Aikin, Clower, Doggett, Mauzy, Santiesteban, Schwartz, Truan.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Santiesteban, Clower, Mauzy, Schwartz, Aikin and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 624 ON SECOND READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 624, Establishing a license for the commercial taking, transporting and sale of red drum in coastal waters of the State of Texas, providing for the dates

of issuance of such licenses, establishing a temporary daily possession limit for those persons holding such licenses, providing for limited regulatory authority and procedures, providing bag and possession limits for persons holding sports fishing licenses and regulating the use of nets and saltwater trotlines.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Hance, Harris, Jones of Harris, Kothmann, McKnight, Meier, Moore, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Farabee, Jones of Taylor, Longoria, Mauzy, Mengden, Ogg, Santiesteban, Truan.

Absent: Lombardino.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend C.S.S.B. 624 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. **SHORT TITLE.** This Act shall be known and may be cited as the "Texas Red Drum Conservation Act."

Section 2. **DECLARATION OF POLICY.** The legislature finds and declares that:

(1) Red drum constitute a valuable renewable resource whose harvest is the basis for extensive economical and recreational activities.

(2) Proper management of the red drum resource is necessary to prevent overharvest resulting in economic and recreational loss to the people of this state.

(3) Proper management of the red drum resource is necessary to establish an equitable allocation of the resource among economic and recreational interests.

(4) In order to achieve an immediate reduction in the total red drum catch in the waters of this state, it is necessary to drastically reduce the number of persons licensed to take such fish commercially and to limit the total catch from such waters to an acceptable level consistent with the reproductive cycle of the red drum to insure a continuing future supply in greater numbers than are presently available.

Section 3. **PURPOSES.** It is hereby declared to be the purpose of this Act to prevent the adverse effects of overharvest and provide for the continued availability of the resource to sport and commercial interests.

Section 4. **DEFINITIONS.** For the purposes of this Act, unless the context requires a different definition:

(1) "Red drum" means that species identified as a *Sciaenops ocellata*, also commonly known as redfish.

(2) "Coastal waters" means all the salt water of this state, including that portion of the Gulf of Mexico within the jurisdiction of this state.

(3) "Possess" means the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or under a fishing ley, or as agent, bailee, or custodian of another.

(4) "Net" means a device used for taking or entangling fish and shall include trammel nets, drag seines, and gill nets, but shall not include cast nets, minnow seines for taking bait, or trawls used for taking shrimp.

(5) "Saltwater trotline" means a line stretched between two or more points from which are suspended two or more hooks.

(6) "Trammel net" means a net having two or more walls of webbing.

(7) "Gill net" means a net having no more than one wall of webbing.

(8) "Commercial red drum fisherman" means a person licensed by this state under Section 47.003 of the Parks and Wildlife Code and who executes an affidavit, affirming that:

(a) at least 50 percent of his gainful employment is devoted to commercial fishing, and

(b) he is not gainfully employed at any full time occupation other than commercial fishing and will surrender his license if he becomes employed at any full time occupation other than commercial fishing.

The filing of a false affidavit hereunder, in addition to other penalties provided by law, shall also cause automatic forfeiture of the fishing license held.

Section 5. EXCLUSIONS AND EXEMPTIONS. The provisions of this Act have no stated or implied exclusions or exemptions.

Section 6. LICENSING PROCEDURE.

(1) A license for the commercial taking, transporting, and sale of red drum in coastal waters of the State of Texas shall be established.

(2) An annual fee of \$50 will be collected for each license issued.

(3) It shall be unlawful for any person to take or attempt to take, sell or transport red drum from the waters of this state for the purpose of sale, barter, or exchange, without first having obtained from the Parks and Wildlife Department a commercial red drum license and satisfying the conditions set out in Subsection (8) of Section 4 of this Act.

(4) Sale of the red drum license will be strictly limited to the month of September.

(5) No person may engage in the commercial taking, selling or transporting of red drum without first acquiring a valid red drum license except as provided in (6) hereof.

(6) Persons licensed in this state to operate as retail fish dealers are not required to also have the license provided for in this section unless that person actively participates in the harvest of red drum.

(7) Until October 1, 1978 it is a violation of this Act for anyone to purchase more than 200 pounds of whole redfish per day from any one fisherman.

(8) A person licensed as a sports fisherman under Chapters 46 or 50 of the Parks and Wildlife Code may not also be licensed as a commercial red drum fisherman; and a person licensed as a commercial red drum fisherman under this Act may not also be licensed under Chapters 46 or 50 of the Parks and Wildlife Code as a sport fisherman.

Section 7. BAG AND POSSESSION LIMITS.

(1) Until September 30, 1978, the daily bag and possession limits for those persons catching red drum for sale may be no more than 200 pounds of whole red drum per person or 200 pounds of whole red drum per boat or conveyance.

(2) The daily bag and possession limits for those persons holding a valid sport fishing license shall be no more than 10 red drum per day, and such person may have in his possession no more than 20 red drum of which no more than two may be greater than 35 inches in length.

Section 8. HARVEST LIMITS.

(1) With regard to the harvest of red drum for the years after a period to begin October 1, 1978, the Parks and Wildlife Department shall have regulatory

authority as provided in Chapter 61 of the Parks and Wildlife Code to annually set the total amount in pounds of red drum to be harvested for commercial purposes from each of eight bay areas of the Texas coast and the Gulf of Mexico adjacent to Texas and the authorized method of harvest.

(2) For the year beginning October 1, 1978, the maximum number of pounds allowed to be harvested by commercial red drum fishermen from all bay areas of the Texas coast shall not exceed 1.6 million pounds and the minimum shall be no less than 1.4 million pounds.

(3) When statistical data obtained by the Parks and Wildlife Department indicate that 90 percent of the authorized amount in pounds of red drum from any bay system has been harvested, the department shall issue a proclamation indicating that the bay will be closed to the taking of red drum for commercial purposes 20 days from that date for that license year, and copies of such proclamation shall be widely circulated in coastal areas of the state.

Section 9. RESEARCH PROGRAM FINDINGS AND REPORT.

(1) The Parks and Wildlife Department shall conduct continuous research and study of:

(a) the supply, economic value, environment, and breeding habits of the various species of finfish, including red drum;

(b) factors affecting the increase or decrease in such fish;

(c) the use of trawls, nets, and other devices for the taking of such fish;

(d) industrial and other pollution of the water naturally frequented by such fish; and

(e) statistical information gathered by the department on the marketing, harvesting, processing, and catching of fish landed at points in the state.

(2) Based on the study and reports obtained, the department shall make findings of fact and enter the findings in the permanent records of the department.

(3) The reports and findings shall also include recommendations for opening or closing to the use of trawls, nets, and saltwater trotlines of additional bay areas when studies indicate that such action would prevent the adverse effect of overharvest of red drum or other desirable finfish.

(4) The findings of fact shall be published as a report and presented to the governor and each member of the legislature before each regular session of the legislature.

Section 10. RULES AND REGULATIONS. The Parks and Wildlife Department shall have the authority to adopt and promulgate regulations to implement the provisions of this Act; provided however that nothing in this Act shall be construed as conferring upon the Parks and Wildlife Department any additional authority not specifically set forth in this Act, or not already in existence, for opening or closing bay areas to the use of trawls, nets, and saltwater trotlines.

Section 11. SIZE LIMITS.

(1) No person may take from public water and retain, or place in a boat, live-box, or other container or on a stringer, a red fish less than 14 inches long.

(2) No person engaged in business as a commercial fisherman or wholesale or retail fish dealer may possess in his place of business or on a boat or vehicle for the purpose of sale any red drum of greater or lesser length than set out in Subsection (4) of this section.

(3) No person may buy, sell, or offer for sale any red drum of greater or lesser length than set out in Subsection (4) of this section.

(4) Maximum length — 35 inches

Minimum length — 14 inches

Section 12. TIME LIMITATIONS.

(1) Nets and saltwater trotlines as defined in Section 4 of this Act that are permitted to be used in bay areas and coastal waters shall be used only in

accordance with and pursuant to rules and regulations issued by the Parks and Wildlife Department under the Uniform Wildlife Regulatory Act.

(2) In the Galveston Bay system during the period beginning the Saturday of Memorial Day weekend through sunset on Labor Day, nets, seines and saltwater trotlines may not be used from sunset Friday to sunset Sunday. No waters which are now closed to the use of nets, seines and saltwater trotlines shall be affected by this provision.

Section 13. PENALTY.

(1) A person who violates a provision of this Act is guilty of a misdemeanor and on first conviction is punishable by a fine of not less than \$25 nor more than \$200. On second or subsequent conviction, the violator is punishable by a fine of not less than \$200 nor more than \$500 and shall forfeit the license under which he is fishing.

(2) A person who violates the provisions of this Act by failure to possess a valid red drum license shall have the net or nets or trotlines in his possession confiscated as well as all red drum fish in his possession.

(3) A person who violates Section 7(1) of this Act by catching and retaining as many as 300 pounds or more of red drum per day is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$200 nor more than \$1000, automatic forfeiture of the license under which he is fishing, and confiscation of the net or nets or trotlines in his possession as well as all red drum in his possession.

Section 14. EMERGENCY. The importance of this legislation and crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and such rule is hereby suspended, and that this Act shall be in effect from and after its passage and it is so enacted.

The amendment was read.

Senator Clower offered the following amendment to the pending amendment.

Amend the amendment to **S.B. 624**, Section 8, subsections (1) and (2) by striking 1978 and replacing it with 1977.

The amendment to the pending amendment was read.

On motion of Senator Schwartz the amendment to the pending amendment was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Kothmann, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, Mengden, Truan.

Absent-excused: Parker.

Senator Longoria offered the following amendment to the pending amendment:

Amend Floor Substitute for **S.B. 624** Section 7 by striking all of subsection (1) and renumbering accordingly.

The amendment to the pending amendment was read.

On motion of Senator Schwartz the amendment to the pending amendment was tabled by the following vote: Yeas 20, Nays 10.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, McKnight, Meier, Moore, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Farabee, Hance, Jones of Taylor, Longoria, Mauzy, Mengden, Ogg, Santiesteban, Truan.

Absent-excused: Parker.

Senator Clower offered the following amendment to the pending amendment:

Amend pending amendment to **S.B. 624** Sec. 8 Subsection (2) by striking all of Subsection (2) and replacing it with the following:

"(2) For the year beginning October 1, 1977, the maximum number of pounds allowed to be harvested by commercial red drum fishermen from all bay areas of the Texas coast shall not exceed 1.8 million pounds and the minimum shall be no less than 1.6 million pounds."

The amendment to the pending amendment was read.

On motion of Senator Schwartz the amendment to the pending amendment was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Farabee, Hance, Longoria, Mauzy, Mengden, Ogg, Truan.

Absent-excused: Parker.

Senator Clower offered the following amendment to the pending amendment:

Amend the pending amendment to **S.B. 624** Sec. 6 subsection (7) by striking all of subsection (7) and renumbering the remaining sections.

The amendment to the pending amendment was read.

On motion of Senator Schwartz the amendment to the pending amendment was tabled by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Farabee, Hance, Jones of Taylor, Longoria, Mauzy, Mengden, Ogg, Truan.

Absent-excused: Parker.

The pending amendment by Senator Schwartz was then adopted.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 624 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 624** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Jones of Taylor, Longoria, Ogg, Truan.

Absent-excused: Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Longoria, Truan and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 598 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 598, Relating to the organization, control, and management of East Texas State University; amending Sections 100.01 and 100.11, Texas Education Code, and repealing Sections 100.12, 100.15, 100.16, and 100.31, Texas Education Code.

The bill was read second time.

Senator Jones of Taylor offered the following amendment to the bill:

Amend **S.B. 598** as follows:

(1) On line 23 strike the words "nor shall" and insert in lieu thereof the word "and".

(2) Lines 24 and 25. Strike the words "center duplicate preexisting programs offered at the University of Texas at Dallas" and substitute in lieu thereof the following: "may offer only those programs approved by the Coordinating Board, Texas College and University System and which are non-duplicative of programs offered in the Dallas educational area. The Board of Regents may establish different rules for the operation of the facilities and programs in each location."; and

(3) Add a new section 2 to read as follows:

"Sec. 2. No provision of this Act shall be construed to authorize any new or additional college, university, other institution of higher education, branch, or center thereof."

(4) Renumber existing sections as sections 3 and 4.

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 598 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 598** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Parker.

COMMITTEE SUBSTITUTE SENATE BILL 148 ON SECOND READING

Senator Farabee asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 148, Relating to the Natural Death Act and a procedure for a person to provide in advance for the withdrawal or withholding of medical care when the person has a terminal condition.

There was objection.

Senator Farabee then moved to suspend the regular order of business and take up **C.S.S.B. 148** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Meier, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Braecklein, Clower, Hance, Kothmann, Lombardino, McKnight, Mengden, Moore, Ogg, Truan.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 10.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Mauzy, Meier, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Braecklein, Clower, Hance, Kothmann, Lombardino, Longoria, Mengden, Moore, Ogg, Truan.

Absent: McKnight.

Absent-excused: Parker.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 368 - by Braecklein: Extending congratulations to Dallas Frohsinn Singing Society.

S.R. 369 - by Doggett: Extending welcome to Reverend Bruno Schmidt.

S.R. 370 - by Clower: Extending congratulations to Miss Marcy Hixson.

S.R. 372 - by Adams: Extending congratulations to Broadus High School Bulldogs.

S.R. 373 - by Schwartz, Mauzy, Harris: Extending congratulations to Mr. and Mrs. Jerry Stinson.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(March 22, 1977)

S.B. 95

S.B. 144

S.B. 191

FORTIETH DAY

(Wednesday, March 23, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Kenneth Phillips, World of Pentecost, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled resolution:

S.C.R. 69

CO-AUTHOR OF SENATE BILL 1186

On motion of Senator Schwartz and by unanimous consent, Senator Doggett will be shown as Co-author of **S.B. 1186**.